

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

United States of America,

Civil No. 06-4662 (PAM/JSM)

Plaintiff,

v.

**ORDER**

Derald Cummings,

Defendant.

---

This matter is before the Court on Plaintiff's Motion for Entry of Default Judgment. For the reasons that follow, the Court grants the Motion.

In October 1984, Defendant executed a promissory note for an educational-assistance loan from Union Bank & Trust Co., in the amount of \$1,915.00. (Compl. ¶ 3.) Plaintiff, through the United States Department of Education, guaranteed the loan. (Id.) In September 1985, Defendant executed another promissory note for an educational-assistance loan from Union Bank & Trust, in the amount of \$2,500.00 but received a disbursement of only \$754.00. (Id. ¶ 4.) Plaintiff, through the Department of Education, guaranteed that loan as well. (Id.)

Defendant defaulted on the promissory notes. (Id. ¶ 5.) Thereafter, Plaintiff, through the Department of Education, paid the original lender of the loan, pursuant to the guarantee terms. (Id. ¶ 7.) As such, Plaintiff obtained all rights and title to the loans. (Id.) Interest continues to accrue on the unpaid balance at the annual rate of eight percent. (Id. ¶ 8.)

Plaintiff filed a Summons and Complaint on November 28, 2006, and served the Summons and Complaint on Defendant on January 23, 2007. After receiving the Summons and Complaint, Defendant telephoned Plaintiff on several occasions regarding the loans, but neither filed a responsive pleading nor otherwise defended himself against the claims in the Complaint. Accordingly, Plaintiff obtained an entry of default against Defendant on March 8, 2007. See Fed. R. Civ. P. 55(a). Plaintiff now seeks an entry of judgment against Defendant. See Fed. R. Civ. P. 55(b). Defendant still has not plead, appeared, or defended against the claims in the Complaint. Accordingly, **IT IS HEREBY ORDERED** that:

1. Plaintiff's Motion for Entry of Default Judgment (Docket No. 6) is **GRANTED**;
2. Defendant shall pay to Plaintiff the principal sum of \$2,869.52; interest accrued as of September 27, 2006 in the amount of \$4,349.14 plus additional pre-judgment interest and post-judgment interest; and attorneys' fees and costs pursuant to 28 U.S.C. § 2412.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: May 31, 2007

s/ Paul A. Magnuson  
Paul A. Magnuson  
United States District Court Judge